

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION (DOC. 35)
AND, IN THE ALTERNATIVE, MOTION FOR LEAVE**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

BRANDON-MEION : BROWN,
as Next Friend of PETER-EUGENE ALVARADO,
Plaintiff,

FEB 11 2026

v. Civil Action No. 4:25-cv-03231

Nathan Ochsner, Clerk of Court

**BRAZORIA COUNTY;
BRAZOSPORT INDEPENDENT SCHOOL DISTRICT, et al.,**
Defendants.

PLAINTIFF'S RESPONSE IN OPPOSITION

Plaintiff Brandon-Meion : Brown, proceeding pro se, respectfully submits this Response in Opposition to Defendants' Motion at Docket Entry 35. Defendants' motion should be denied because it mischaracterizes the pleadings, applies an improperly heightened standard, and ignores well-pleaded facts that must be accepted as true at this stage.

I. LEGAL STANDARD

At the Rule 12(b)(6) stage, the Court must accept all well-pleaded factual allegations as true and draw all reasonable inferences in favor of the plaintiff. A complaint need only state a claim that is plausible on its face. Dismissal is improper where the pleadings raise a reasonable expectation that discovery will reveal evidence supporting the claims.

II. PLAINTIFF HAS ADEQUATELY STATED CLAIMS

Plaintiff alleges specific facts showing knowledge of serious medical and mental-health conditions, deliberate indifference to those conditions, policy-level failures in training and supervision, and a causal connection between Defendants' actions and constitutional injuries. These allegations are sufficient to proceed past the pleading stage.

III. IMMUNITY DOES NOT BAR DISCOVERY

Immunity defenses are not absolute at the motion-to-dismiss stage where Plaintiff alleges ongoing policy failures and violations of clearly established rights. Discovery is necessary to determine the existence and application of policies, training practices, and supervisory decision-making.

IV. LEAVE TO AMEND

If the Court identifies any pleading deficiency, Plaintiff respectfully requests leave to amend. Leave should be freely granted, particularly where Plaintiff proceeds pro se and amendment would not prejudice Defendants.

V. IN THE ALTERNATIVE, MOTION FOR LEAVE

To the extent Defendants contend this Response is untimely, Plaintiff respectfully moves for leave to file this Response. Any delay was not intentional and caused no prejudice. Granting leave serves the interests of justice.

VI. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Court deny Defendants' Motion at Docket Entry 35 and grant such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Brandon-Meion : Brown
Brandon-Meion : Brown
Plaintiff, Pro Se
P.O. Box 84
Clute, Texas 77531
Phone: 281-908-6300
Email: triocouriers@gmail.com

CERTIFICATE OF SERVICE

I certify that on _____, 2026, a true and correct copy of this Response was served on all counsel of record in accordance with Federal Rule of Civil Procedure 5.

/s/ Brandon-Meion : Brown

JOINT DISCOVERY & CASE MANAGEMENT PLAN

(Pursuant to Fed. R. Civ. P. 26(f))

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

BRANDON-MEION : BROWN,

as Next Friend of PETER-EUGENE ALVARADO,

Plaintiff,

v. Civil Action No. 4:25-cv-03231

BRAZORIA COUNTY SHERIFF'S OFFICE;

BRAZOSPORT INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT, et al.,

Defendants.

1. Rule 26(f) Conference

The parties conducted a Rule 26(f) conference on February 9, 2026, by Zoom.

2. Jurisdiction

This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.

3. Motions

Defendants have filed motions to dismiss which are pending.

4. Discovery Period

Discovery shall commence after ruling on motions to dismiss and close December 31, 2026.

5. Experts

Plaintiff experts: July 26, 2026

Defendants experts: 60 days after

Rebuttal experts: 30 days after Defendants

CERTIFICATE OF SERVICE

I certify that on February 9, 2026, this document was served on counsel of record.

/s/ Brandon-Meion : Brown

Plaintiff, Pro Se

P.O. Box 84

Clute, Texas 77531

281-908-6300

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PLAINTIFF'S MOTION FOR LEAVE TO ELECTRONICALLY FILE PRO SE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRANDON-MEION : BROWN,
as Next Friend of PETER-EUGENE ALVARADO,
Plaintiff,

v. Civil Action No. 4:25-cv-03231

BRAZORIA COUNTY SHERIFF'S OFFICE;
BRAZOSPORT INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT, et al.,
Defendants.

Plaintiff Brandon-Meion : Brown, proceeding pro se, respectfully moves the Court for leave to electronically file documents through the Court's CM/ECF system.

Plaintiff is actively litigating this matter and understands the responsibilities and requirements associated with electronic filing. Granting this motion will promote judicial efficiency and timely service of documents.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave for Plaintiff to electronically file documents through CM/ECF in this case.

Respectfully submitted,

/s/ Brandon-Meion : Brown

Brandon-Meion : Brown

Plaintiff, Pro Se

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CERTIFICATE OF SERVICE

I certify that on February ___, 2026, a true and correct copy of this Motion was served on all counsel of record in accordance with Federal Rule of Civil Procedure 5.

/s/ Brandon-Meion : Brown